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08/597940

#18/E  
D. Rose  
8/13/96

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 10841US03)

In the Application of: )  
)  
Steven J. Iseberg et al. )  
)  
Continuation of Serial )  
No.: 08/430,698 )  
)  
Filed: April 27, 1995 )  
)  
For: HIGH FIDELITY )  
INSERT EARPHONES )  
AND METHODS OF )  
MAKING SAME )  
)  
)

**CERTIFICATE OF MAILING BY  
EXPRESS MAIL**

Label No.: **EM255284965US**  
I hereby certify that this correspondence  
is being deposited with the United  
States Postal Service "Express Mail  
Post Office to Addressee" service in an  
envelope addressed to: Asst.  
Commissioner for Patents, Washington,  
DC 20231, on February 7, 1996.

Asst. Commissioner for Patents  
Box FWC  
Washington DC 20231

This is a Request for filing a

- \* continuation-in-part
- X** continuation
- \* divisional

application under 37 C.F.R. 1.62 of prior application

Serial No. 08/430,698

filed on April 27, 1995

entitled **HIGH FIDELITY INSERT EARPHONES AND METHODS OF  
MAKING SAME**

by the following named inventor(s).

Steven J. Iseberg  
Donald L. Wilson

E.O.T. Paid to Mary 268

The above identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

**Enclosed are :**

- \* Checks in the amounts of \$375 and \$450, respectively, to cover the fees calculated below.
- \* A copy of the assignment of rights in the invention, as filed in the parent application and recorded at Reel 7500, Frame 0164;
- \* Petition for a three-month extension of time to file a response to the Office Action dated August 7, 1995, in the parent case.

**The filing fee due for this application is affected because:**

- \* The small entity fee schedule applies. A verified statement that this is a filing by a small entity was filed in application Serial No. 07/880,244 on July 25, 1994. This status is still proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.

**The filing fees are calculated as follows for a small entity:**

\* Small Entity Fees

	Claims presented	Extra claims	Rate per extra claim	Fee
Total claims	10 - 20 = 0		x \$11 ..	.00
Indep claims	3 - 3 = 0		x \$39 ..	.00
Basic fee	.....			\$375.00
Multiple dependent claim presented (\$120 if any present)...				..00
Total filing fee	.....			<u>375.00</u>

Fee for three-month extension of time to file response to Office Action in parent case.	\$450.00
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<b>TOTAL FEES</b>	<b><u>\$825.00</u></b>
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**The following arrangements are being made to pay the government fees due.**

- \* Checks in the amounts of \$375 and \$450, respectively, to cover the above-calculated fees, are enclosed. The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.
- \* The Commissioner is hereby authorized to charge the filing and extra claim fees which are presently required to Deposit Account No. 13-0017.
- \* The Commissioner is hereby authorized to charge future fees which become due during the pendency of this application under 37 C.F.R. 1.16 a, b, c, d, f, or g or 37 C.F.R. 1.17 to Deposit Account No. 13-0017.

**The specification should be amended as indicated below:**

- \* Please amend the Specification by inserting before the first line the sentence:

DI 2/3/99  
E1  
DI 2/3/99  
which  
This is a continuation of application Serial No. 08/430,698, filed April 27, 1995, ~~now abandoned~~

which is a continuation of 07/880,244 filed May 8, 1992, now abandoned.

**The ownership of the application is as follows:**

- \* The prior application is assigned to Etymotic Research, Inc., and a copy of the the original assignment is submitted herewith.

**The undersigned attorney is authorized to represent the applicants and receive correspondence because:**

- \* The power of attorney filed in the prior application and currently in force authorizes the following attorneys, including the undersigned, to act on behalf of the inventor(s):

Robert B. Polit  
Reg. No. 33,993

\* A copy of the power of attorney previously filed appears in the original papers in the prior application.

\* Address all future written communications and telephone calls to:

Robert B. Polit, Esq.  
McANDREWS, HELD & MALLOY, LTD.,  
500 W. Madison, 34th Floor,  
Chicago, IL 60661  
312.707.8889

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that, if information is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

McANDREWS, HELD & MALLOY, LTD.

By: 

Robert B. Polit  
Reg. No. 33,993

Dated: February 7, 1996



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Our Case No. 10841US03)

In the application of: )  
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PHONES AND METHODS OF )  
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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

"Express Mail" mailing label number: EM255284965US

Date of Deposit: February 7, 1996

Attached paper (one per certificate): CHECK: \$375

I hereby certify that the attached paper of fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Our Case No. 10841US03)

In the application of:

Steven J. Iseberg et al.

For: HIGH FIDELITY INSERT EAR-  
PHONES AND METHODS OF  
MAKING SAME

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

"Express Mail" mailing label number: EM255284965US

Date of Deposit: February 7, 1996

Attached paper (one per certificate): CHECK: \$450

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Our Case No. 10841US03)

In the application of: )  
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Washington, D.C. 20231

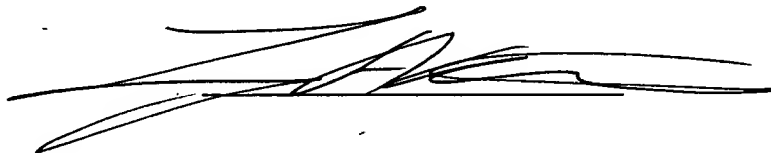
Sir:

"Express Mail" mailing label number: EM255284965US

Date of Deposit: February 7, 1996

Attached paper (one per certificate): ASSIGNMENT (2 pages)

I hereby certify that the attached paper of fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231.

A handwritten signature in dark ink, consisting of several fluid, overlapping strokes, positioned below the certification text.



08/597940

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Commissioner for Patents, Washington,  
DC 20231, on February 7, 1996.

**TRANSMITTAL LETTER**

Asst. Commissioner for Patents  
Washington, DC 20231

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached:
  - \* request for Filing a Continuation Application under 37 C.F.R. 1.62 of prior application, U.S. Patent Application Serial No. 08/430,698, filed April 27, 1995;
  - \* checks in the amounts of \$375 and \$450, respectively, to cover the fees calculated and set forth in the attached Request for Filing a Continuation Application;
  - \* a copy of the Assignment of rights in the invention, as filed in the parent application and recorded at Reel 7500, Frame 0164; and
  - \* a Petition for a three-month extension of time to file a response to the Office Action dated August 7, 1995, in the parent case.



2. With respect to additional fees:

- ☐ A. No additional fee is required.
- ☒ B. Additional fees are required.
- ☒ C. Checks in the amounts of \$375 and \$450, respectively, are enclosed.
- ☐ D. Charge the total additional fee to the Deposit Account of McAndrews, Held & Malloy, Ltd. The Account No. is 13-0017.

3. Please charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Date: February 7, 1996

By 

Robert B. Polit  
Reg. No. 33,993  
Attorney for Applicants

MCANDREWS, HELD & MALLOY, LTD.  
500 W. Madison, 34th Floor  
Chicago, IL 60661  
312.707.8889